

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TIMOTHY TONOLE, individually and on
behalf of the ESTATE OF MARYAN
TONOLE, M.A.E.T., a Minor, and M.P.T., a
minor, by and through TIMOTHY TONOLE,

Case No.: 2:10-cv-02187-CGC

Plaintiffs,

v.

WATSON PHARMACEUTICALS, INC., et
al.,

Defendants.

STIPULATION OF STAY

NOW COME plaintiffs Timothy Tonole, individually and on behalf of the Estate of Maryan Tonole, M.A.E.T., a minor, by and through Timothy Tonole, and M.P.T., a minor, by and through Timothy Tonole and Defendants Watson Pharmaceuticals, Inc., Watson Pharma, Inc., Watson Laboratories, Inc., a Nevada corporation, and Watson Laboratories, Inc., a Delaware corporation, through their counsel of record and, given the recently filed *Motion of Plaintiffs For Transfer of Actions to the Northern District of Illinois Pursuant to 28 U.S.C. § 1407 For Consolidated Proceedings* and the April 16, 2012, status conference with the Court, the Parties hereby STIPULATE and AGREE as follows:

- a. The Parties request this Court order that all prior scheduling orders previously in place and/or entered by the Court be immediately vacated;
- b. The Parties request this Court order that all depositions currently scheduled, either via notice, subpoena, or by agreement, in this case be cancelled;

- c. The Parties request this Court order that all discovery in this case be immediately stayed until further order of either (i) this Court, (ii) the Judicial Panel for Multi-District Litigation (“Panel”) or (iii) any other Court to which this case may be transferred at the direction of the Panel.
- d. Defendants do not oppose a stay of discovery in this case, except that Defendants believe the parties should be permitted to conduct document discovery from third-parties, including pursuant to authorizations or subpoenas. Plaintiffs disagree that document discovery from third-parties should continue during a stay. Pursuant to the discussion of the issue with the Court at the April 16, 2012, status conference, the Parties hereby accept the Court’s recommendation that such discovery occur in this case during the pendency of the stay only with the express permission of the Court in the form of an order permitting such discovery.
- e. The Parties agree that Plaintiff’s counsel, Michael Heygood, will provide this Court with a brief written status of this litigation not less than every 90 days, beginning August 15, 2012.

Dated this 23rd day of April 2012.

Respectfully submitted,

/s/ Michael E. Heygood

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***Attorneys for Watson Pharmaceuticals, Inc.,
Watson Pharma, Inc., Watson Laboratories, Inc.-
Nevada, and Watson Laboratories, Inc. - Delaware***

ORDER ADOPTING STIPULATION

Upon consideration of the Parties' above Stipulation, the Stipulation is accepted and approved and **IT IS HEREBY ORDERED** that:

- a. All prior scheduling orders previously in place and/or entered by the Court are immediately vacated;
- b. All depositions currently scheduled, either via notice, subpoena, or by agreement, in this case are cancelled;
- c. All discovery in this case is immediately stayed until further order of either (i) this Court, (ii) the Judicial Panel for Multi-District Litigation ("Panel") or (iii) any other Court to which this case may be transferred at the direction of the Panel.

s/Robert H. Cleland

Robert H. Cleland, United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2012, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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